

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

THOMAS A. LANE, JR.,

and

CARLEEN I. LANE,

Plaintiffs

v.

OCWEN LOAN SERVICING, LLC,

and

WELLS FARGO BANK, N.A.,

Defendants.

**Case No.
3:17-cv-00008**

PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER

The Plaintiffs, Thomas A. Lane, Jr. and Carleen I. Lane, by counsel, hereby move this Court for the entry of a Temporary Restraining Order requiring the Defendants to postpone the foreclosure sale they have scheduled for the sale of the Plaintiffs' property on Rio Road in Albemarle County, Virginia. The Defendants have advised the Plaintiffs that the foreclosure sale is scheduled to take place at 4:00 p.m. on Friday, February 10, 2017 in front of the Albemarle County Courthouse in Charlottesville, Virginia.

In support of this motion, the Plaintiffs refer to the allegations in their Complaint submitted in this matter, which have been verified by an Affidavit of Plaintiff Carleen I. Lane, submitted with this Motion.

The Plaintiffs further state the following:

1. Postponing the foreclosure sale will not cause harm to the Defendants.
2. Postponing the foreclosure sale will preserve the status quo until this Court can consider the claims presented by the Plaintiffs in their Complaint.
3. If the foreclosure sale is permitted to proceed as planned, the Plaintiffs are likely to suffer irreparable injury, including the loss of a home (currently their secondary home) which they have owned for many years and financial loss which may not be recoverable.
4. The Plaintiffs are likely to succeed in their claims in this action, which includes the claim that the Defendants do not have the legal authority to proceed with the foreclosure sale.
5. Because this action has just been filed, the defendants have not been formally served with process yet. The undersigned counsel will, however, immediately notify them of this action and of this Motion by contacting their foreclosure attorney and providing him with copies of the relevant Court documents.
5. Because the foreclosure is currently scheduled to take place at 4 p.m. on Friday, February 10, 2017, the Plaintiffs respectfully ask this Court for the opportunity to be heard and obtain a ruling on this Motion before that time.

WHEREFORE, the Plaintiffs ask this Court to issue a Temporary Restraining Order prohibiting the Defendants from proceeding with their planned foreclosure sale of the Plaintiffs' property on Rio Road in Albemarle County, Virginia, and for such other and further relief as to this Court shall seem just and proper.

A proposed Order is submitted with this Motion for the Court's consideration.

Respectfully Submitted,

THOMAS A. LANE, JR.

CARLEEN I. LANE

Plaintiffs

By Counsel

s/ Edward M. Wayland

Edward M. Wayland, Esq.

VSB #17380

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